

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-9 and 19-24 are pending in this case.

Claims 1-3 and 19-24 were rejected under 35 U.S.C. §102(a) as anticipated by Suzuki et al. (Japanese Patent Publication No. 2001-075032, herein "Suzuki"). Claims 4-9 were rejected under 35 U.S.C. §103(a) as unpatentable over Suzuki.

It is respectfully submitted that that the rejection based on Suzuki has been overcome by the enclosed declaration under 37 C.F.R §1.132. In this declaration Hiromichi Atsumi declares that he is sole inventor of the present invention, and co-inventor of the invention disclosed in Japanese Patent Publication No. 2001-075032. The inventor further declares that he conceived the subject matter disclosed in Japanese Patent Publication No. 2001-075032 that is common to United States Patent Application No. 10/047,092. Accordingly, Japanese Patent Publication No. 2001-075032 is not the work of "another." (See M.P.E.P. §§706.02(b) and 2132.01) Thus, it is respectfully submitted that the rejection of Claims 1-3 and 19-24 under 35 U.S.C. §102(a) as anticipated by Suzuki has been overcome.

Further, as all the rejections of record rely on Suzuki, it is respectfully submitted these rejections are traversed.

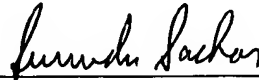
Since the claims have not been amended in response to any rejection on the merits, a further rejection of these claims based on newly cited prior art in the next communication **cannot properly be considered a Final Office Action.**

Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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